

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION,

Plaintiff,

v.

DATATERN, INC.,

Defendant.

SAP AG AND SAP AMERICA, INC.,

Plaintiffs,

v.

DATATERN, INC.,

Defendant.

Civil Action No. 1:11-cv-02365-KBF

Civil Action No. 1:11-cv-02648-KBF

ECF Case

**DECLARATION OF JEB BACON OBLAK IN SUPPORT OF PLAINTIFFS' REPLY
CLAIM CONSTRUCTION BRIEF**

DECLARATION OF JEB BACON OBLAK

I, Jeb Bacon Oblak hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:


1. I represent Microsoft Corporation ("Microsoft"), SAP AG and SAP America, Inc. ("SAP") in the consolidated cases, *Microsoft Corporation and SAP AG, et al., v. DataTern, Inc.*, Case Nos. 1:11-cv-02365-KBF, 1:11-cv-02648-KBF, currently pending in the United States District Court for the Southern District of New York.
2. Attached hereto as Exhibit SS is a true and correct copy of Excerpts of the deposition of Neeraj Gupta, taken on June 18, 2012.
3. Attached hereto as Exhibit TT is a true and correct copy of an Office Action dated July 24, 1998 bearing Bates Numbers DT000116 through DT000124.
4. Attached hereto as Exhibit UU is a true and correct copy of Deposition Exhibit Number 8 of the deposition of Neeraj Gupta, taken on June 18, 2012.

I have personal knowledge of the following facts and, if called as a witness, I could and would testify competently as to their truth.

This 16th Day of July, 2012

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